

ORDINANCE NO. 89- 16

An Ordinance of the Board of County Commissioners of Palm Beach County, Florida, Amending the Occupational Licensing Ordinance of Palm Beach County, Florida by amending Section 34 pertaining to fortunetellers, clairvoyants, etc.; Providing for Repeal of Laws in Conflict; Providing for Severability; Providing for Inclusion in the Code of Laws and Ordinances; Providing for an Effective Date.

WHEREAS, the Board of County Commissioners of Palm Beach County has reviewed the existing Occupational Licensing Ordinance and has determined that the licensing of fortunetellers, clairvoyants, etc. is a ministerial act;

WHEREAS, the issuance of any Occupation License to fortunetellers, clairvoyants, etc. should properly be handled by the County Administrator;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1:

Palm Beach County Ordinance 72-7 as amended, and in particular Section 34 of the Code of Law and Ordinances of Palm Beach County is hereby amended as follows:

SECTION 34. FORTUNETELLERS, CLAIRVOYANTS, ETC., COUNTY PERMIT  
REQUIRED: PENALTY.

(a) No license to engage in the occupation of fortuneteller or any other pursuit for which a license is required by Section 33 shall be issued to any person unless such person holds a permit therefor given by the ~~Board of County Commissioners~~ County Administrator of the County wherein such license is sought. No permit shall be issued until after the following conditions are fulfilled:

- 1) The applicant shall have been a resident of Florida for at least two years and shall be a registered voter in the County where the permit and license are applied for.
- 2) The applicant shall establish good moral character by not less than five reputable citizens of the County.



1           3) The application, with a recent photograph of the  
2           applicant which shall become a permanent part of the  
3           permit, shall be presented to the Clerk of the Board  
4           of County Commissioners, who shall make investigation  
5           and examination of the applicant and report the  
6           results thereof to the ~~Board-of-County-Commissioners~~  
7           ~~at-its-next-regular-or-special-meeting~~ County  
8           Administrator.

9           4) The ~~Board-of-County-Commissioners~~ County  
10          Administrator shall consider the application and the  
11          report of the Clerk and ~~order~~ issue the permit  
12          ~~issued-or-denied~~ provided the application meets all  
13          criterion. The ~~order-of-the-Board~~ permit shall be  
14          made in triplicate, with the original given to the  
15          applicant, one copy retained by the Clerk and one by  
16          the licensing official.

17          b) Any official who shall issue a license provided by Section  
18          33 upon an application not accompanied by the permit required by this  
19          Section shall be guilty of malfeasance and subject to removal from  
20          office.

21          c) All County law enforcement officers shall aid and assist  
22          the Clerk of the Board of County Commissioners in conducting the  
23          examination of any applicant for the permit required for this Section.

24          d) Every licensee comprehended by this Section shall at all  
25          times while engaging in the occupation for which licensed display at his  
26          place of business both his license and the permit herein required.  
27          Failure or refusal so to do shall be prima facie evidence of engaging in  
28          such occupation without a license.

29          e) Anyone guilty of engaging in any occupation comprehended by  
30          Section 33, without a license and the permit required by this Section or  
31          who shall obtain any such permit or license by fraud or deceit shall, for  
32          the first offense, be punished by a fine or not more than \$500.00 or  
33          imprisonment for not more than 60 days. For a second or subsequent  
34          offense, he shall be imprisoned in the State prison for not less than six



1 months nor more than two years and may, in addition, be fined not to  
2 exceed \$5,000.00.

3 f) This section does not apply to Christian churches who heal  
4 the sick by prayer or to regularly ordained ministers of churches who are  
5 members of Florida State Ministerial Association whose charters are filed  
6 in the Library of Congress and on record in the State Capitol in  
7 Tallahassee.

8 REPEAL OF LAWS IN CONFLICT

9 All local laws and ordinances applying to the unincorporated  
10 area of Palm Beach County in conflict with any provisions of this  
11 ordinance are hereby repealed.

12 SEVERABILITY

13 If any section, paragraph, sentence, clause, phrase, or word of  
14 this ordinance is for any reason held by the Court to be unconstitu-  
15 tional, inoperative or void, such holding shall not affect the remainder  
16 of this ordinance.

17 INCLUSION IN THE CODE OF LAWS AND ORDINANCES

18 The provisions of this ordinance shall become and be made a  
19 part of the code of laws and ordinances of Palm Beach County, Florida.  
20 The Sections of the ordinance may be renumbered or relettered to  
21 accomplish such, and the word "ordinance" may be changed to "section,"  
22 "article," or any other appropriate word.

23 EFFECTIVE DATE

24 The provisions of this ordinance shall become effective upon  
25 receipt of acknowledgement by the Secretary of State.

26 APPROVED AND ADOPTED by the Board of County Commissioners of  
27 Palm Beach County, Florida, on the 29th day of August, 1989.

28 PALM BEACH COUNTY, FLORIDA, BY ITS  
29 BOARD OF COUNTY COMMISSIONERS

30 By

*Coral Grogan*  
Chairman

32 APPROVED AS TO FORM AND  
33 LEGAL SUFFICIENCY

JOHN B. DUNKLE, CLERK  
Board of County Commissioners

By *Lina M. Blair*  
DEPUTY CLERK

34 *Robert Altman*  
35 County Attorney



1 Acknowledgement by the Department of State of the State of  
2 Florida, on this, the 5th day of September, 1989.

3 EFFECTIVE DATE: Acknowledgement from the Department of State  
4 received on the 8th day of September, 1989, at 10:28  
5 A.M., and filed in the Office of the Clerk of the Board of County  
6 Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, JOHN B. DUNKLE, ex-officio Clerk of the  
Board of County Commissioners, certify this to  
be a true and correct copy of the original filed in  
my office on 8/22/89.  
DATED at West Palm Beach, FL on 8/22/89.  
JOHN B. DUNKLE, Clerk  
By: [Signature] D.C.  
Deputy Clerk